

Message

**From:** Seltzer, Mark [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1F81D6FC209B46CC8403097548FC3930-SELTZER, MARK]  
**Sent:** 12/14/2018 6:46:46 PM  
**To:** Presler, Amos [presler.amos@epa.gov]  
**CC:** Miles, James [miles.james@epa.gov]  
**Subject:** DRAFT RESPONSE --- RESPONSES DUE 12/14: Final Workgroup Review - Asbestos; TSCA Section 21 Rulemaking Petition; Reasons for Agency Response (Tier 4, SAN 7083)  
**Attachments:** RESPONSES DUE 12/14: Final Workgroup Review - Asbestos; TSCA Section 21 Rulemaking Petition; Reasons for Agency Response (Tier 4, SAN 7083); RE: TSCA Section 21 petition comments; FW: Asbestos Follow-up; FW: ACE runs statistics on asbestos imports.; Asbestos-OPPT Track Changes.docx  
**Importance:** High

Amos—

Below is my draft response after reviewing the attached\* TSCA Section 21 draft response FRN. We are asked to send a response by COB today.

(\*I am including a track changes version for your benefit but, will not include this in what we send forward given that it is a “compare” of what came from the workgroup and what came back from the OCSPP RSC process. Providing the document in addition to our comments would be confusing for the reviewer given that that the track changes did not come from us but a compared document to facilitate our review.)

I talked with Eric Wilber from OGC and will CC him on the version we send forward.

Let me know if you have any questions or edits.

Regards,  
Mark  
CC: James Miles, for historical background

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-/DRAFT / DRAFT / DRAFT/-

Tyler, Peter, Angela—

OECA has provided comments on a prior workgroup draft which still stand (*see attached email: RE: TSCA Section 21 petition comments Dated: November 15, 2018 10:37 AM*). In addition to the comments from our prior review, we have the following comments on revisions added to the final version we are reviewing now:

- Line 207: 

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

○ **Ex. 5 Attorney Client (AC)**
- Line 382: 

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

○ **Ex. 5 Attorney Client (AC)**

# Ex. 5 Attorney Client (AC)

- Line 442: Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP)

# Ex. 5 Attorney Client (AC)

Let me know if you have any questions.

Regards,

Mark Seltzer, Attorney Advisor  
Chemical Risk and Reporting Enforcement Branch  
Waste and Chemical Enforcement Division  
Office of Civil Enforcement  
US Environmental Protection Agency  
Phone: 202-564-2901

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**From:** Smith, Peterj

**Sent:** Wednesday, December 12, 2018 2:33 PM

**To:** Cybulski, Walter <Cybulski.Walter@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Goldstein, Jessica <goldstein.jessica@epa.gov>; Seltzer, Mark <Seltzer.Mark@epa.gov>; Gsell, Alyssa <Gsell.Alyssa@epa.gov>; Wilber, Eric <Wilber.Eric@epa.gov>; Kirk, Andrea <Kirk.Andrea@epa.gov>; Libelo, Laurence <Libelo.Laurence@epa.gov>; Peffers, Mel <Peffers.Mel@epa.gov>

**Cc:** OCSPP OPMO RICS <OCSPP\_OPMO\_RICS@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Berkley, Bruce <Berkley.Bruce@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Strauss, Linda <Strauss.Linda@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Blunck, Christopher <Blunck.Chris@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Schmit, Ryan <schmit.ryan@epa.gov>; Lintner, Colby <Lintner.Colby@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>; Vendinello, Lynn <Vendinello.Lynn@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Carmichael, Lea <carmichael.lea@epa.gov>; Gorder, Chris <Gorder.Chris@epa.gov>; Hall, Franklyn <Hall.Franklyn@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>; Lloyd, Tyler <Lloyd.Tyler@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>; Forbes, Thomas <Forbes.Thomas@epa.gov>; Mojica, Andrea <Mojica.andrea@epa.gov>; Pfahles-Hutchens, Andrea <Pfahles-Hutchens.Andrea@epa.gov>; Scarano, Louis <Scarano.Louis@epa.gov>; Sharkey, Susan <Sharkey.Susan@epa.gov>; Sherlock, Scott <Sherlock.Scott@epa.gov>; Silagi, William <Silagi.William@epa.gov>; Taylor, Jeffrey <Taylor.Jeffrey@epa.gov>; Burden, Susan <Burden.Susan@epa.gov>; Watkins, Stephen <watkins.stephen@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Bartlett, Keith <Bartlett.Keith@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Grant, Brian

<Grant.Brian@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Corrales, Mark <Corrales.Mark@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>

**Subject:** RESPONSES DUE 12/14: Final Workgroup Review - Asbestos; TSCA Section 21 Rulemaking Petition; Reasons for Agency Response (Tier 4, SAN 7083)

## **Final comments are due no later than COB, December 14th.**

Attached is the petition response team's final review package for the following action:

**Asbestos; TSCA Section 21 Petition; Reasons for Agency Response**  
(Tier 4; SAN 7083)

## **Who is Representing My Office on OCSPP's Tier 4 Petition Response Team?**

The offices participating on the TSCA section 21 petition response team are represented by:

**OECA:** Geraldine Gardner, Jessica Goldstein, Mark Seltzer

**OGC:** Alyssa Gsell, Eric Wilbur

**OLEM:** Stiven Foster, Andrea Kirk, Laurence Libelo

**OP:** Mel Peffers

**ORD:** Walter Cybulski

## **When is My Response Due to OCSPP?**

This is **your final opportunity to review these documents and provide comments**. OCSPP is providing a short, final review opportunity to close out this response to a rulemaking petition. Please provide any comments in response to this final review opportunity by COB on **December 14th**.

(Special Note to OCSPP IO Staff: This is also the opportunity for the IO Staff to review these documents and provide comments. If you have any questions, let us know.)

## **Who Needs to Sign-Off on My Response?**

In general, the designated level of management sign-off is your supervisor. This petition response is not subject to the EPA Action Development Process, so an AA-level sign-off is not expressly required. However, you should follow any applicable sign-off procedures established by your office.

## **Who Should Receive My Response?**

Please direct your responses to Angela Hofmann, and cc: the petition manager (Tyler Lloyd), Peter Smith ("Smith, Peterj" in the Outlook Directory; although I am sure he would be fascinated, please don't send your response to PeterL Smith out in Ann Arbor!), and anyone in your office who should receive a copy. If your response is misdirected, we may not receive it in time to address any comments before moving to the next step in the process.

## **What Is Included in this Workgroup Closure Package?**

The workgroup closure package for this action consists of the following draft documents:

- **Draft Response Letter to Petitioner**
- **Draft Federal Register Document (reasons for petition denial)**
- **Draft Action Memorandum**
- **Draft Action Information Form**

## **What Happens Next?**

OCSPP will make any appropriate revisions and prepare this petition response and related Federal Register document that sets forth the Agency's reasons for denying the petition, and present them for signature. After signature, OCSPP will promptly send the Agency's response to the petitioners and submit, via the Office of Policy, the signed Federal Register document to the Office of the Federal Register for publication. Pursuant to TSCA section 21(b)(4), with 60 days of the Agency's denial of the petition, the petitioner may commence a civil action in a district court of the United States to compel the Agency to initiate a rulemaking proceeding as requested in the petition.

## **Questions?**

Please contact me at 564-0262 or the petition manager, Tyler Lloyd, at 566-4016.

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*NOTICE: If this electronic communication explains, justifies, or documents an official action or decision, it may be subject to federal records requirements. Federal employees should evaluate the contents of this message before deleting it.*  
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**Peter J. Smith** | U.S. EPA | Office of Chemical Safety and Pollution Prevention  
1200 Pennsylvania Ave., NW | Washington, DC 20460 | phone 202/564-0262 | email [smith.peterj@epa.gov](mailto:smith.peterj@epa.gov)